

### Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the present application.

1-37 (canceled)

38. (currently amended) A method of enhancing growth in plants compared to untransformed plants or plant seeds comprising:

providing a transgenic plant or plant seed transformed with a transgene comprising a DNA molecule encoding a hypersensitive response elicitor polypeptide or protein from a bacterial plant pathogen and

growing the transgenic ~~plants~~ plant or transgenic ~~plants~~ plant produced from the transgenic plant ~~seeds~~ seed under conditions effective to enhance plant growth.

39. (currently amended) A method according to claim 38, wherein the ~~hypersensitive response elicitor polypeptide or protein corresponds to that derived from a bacterial plant pathogen~~ is selected from the group consisting of *Erwinia*, *Pseudomonas*, and *Xanthomonas*.

40. (currently amended) A method according to claim 39, wherein the ~~hypersensitive response elicitor polypeptide or protein corresponds to that derived from bacterial plant pathogen~~ is *Erwinia chrysanthemi*.

41. (currently amended) A method according to claim 39, wherein the ~~hypersensitive response elicitor polypeptide or protein is derived from bacterial plant pathogen~~ is *Erwinia amylovora*.

42. (currently amended) A method according to claim 39, wherein the ~~hypersensitive response elicitor polypeptide or protein corresponds to that derived from bacterial plant pathogen~~ is *Pseudomonas syringae*.

43. (currently amended) A method according to claim 39, wherein the ~~hypersensitive response elicitor polypeptide or protein corresponds to that derived from bacterial plant pathogen~~ is *Pseudomonas solanacearum*.

44. (currently amended) A method according to claim 39, wherein the ~~hypersensitive response elicitor polypeptide or protein corresponds to that derived from~~ bacterial plant pathogen is *Xanthomonas campestris*.

45. (canceled)

46. (original) A method according to claim 38, wherein the plant is selected from the group consisting of dicots and monocots.

47. (original) A method according to claim 46, wherein the plant is selected from the group consisting of rice, wheat, barley, rye, cotton, sunflower, peanut, corn, potato, sweet potato, bean, pea, chicory, lettuce, endive, cabbage, cauliflower, broccoli, turnip, radish, spinach, onion, garlic, eggplant, pepper, celery, carrot, squash, pumpkin, zucchini, cucumber, apple, pear, melon, strawberry, grape, raspberry, pineapple, soybean, tobacco, tomato, sorghum, and sugarcane.

48. (original) A method according to claim 46, wherein the plant is selected from the group consisting of rose, *Saintpaulia*, petunia, pelargonium, poinsettia, chrysanthemum, carnation, and zinnia.

49. (original) A method according to claim 38, wherein a transgenic plant is provided.

50. (original) A method according to claim 38, wherein a transgenic plant seed is provided.

51. (currently amended) A method according to claim 38 further comprising:

applying the hypersensitive response elicitor polypeptide or protein to the ~~propagated plants~~ plant to enhance growth of the plant.

52. (new) A method of enhancing growth in plants compared to untransformed plants or plant seeds comprising:

providing a transgenic plant or plant seed transformed with a transgene comprising a DNA molecule encoding a hypersensitive response elicitor polypeptide or protein comprising the amino acid sequence of SEQ ID NO:1, SEQ ID NO:3, SEQ ID NO:5, SEQ ID NO:7, residues 1-98 of SEQ ID NO:3, or residues 137-204 of SEQ ID NO:3; and growing the transgenic plant or transgenic plant produced from the transgenic plant seed under conditions effective to enhance plant growth.

53. (new) The method of claim 52, wherein the DNA molecule comprises the nucleotide sequence of SEQ ID NO:2, SEQ ID NO:4, SEQ ID NO:6, or SEQ ID NO:8.

54. (new) A method according to claim 52, wherein the plant is selected from the group consisting of dicots and monocots.

55. (new) A method according to claim 54, wherein the plant is selected from the group consisting of rice, wheat, barley, rye, cotton, sunflower, peanut, corn, potato, sweet potato, bean, pea, chicory, lettuce, endive, cabbage, cauliflower, broccoli, turnip, radish, spinach, onion, garlic, eggplant, pepper, celery, carrot, squash, pumpkin, zucchini, cucumber, apple, pear, melon, strawberry, grape, raspberry, pineapple, soybean, tobacco, tomato, sorghum, and sugarcane.

56. (new) A method according to claim 54, wherein the plant is selected from the group consisting of rose, *Saintpaulia*, petunia, pelargonium, poinsettia, chrysanthemum, carnation, and zinnia.

57. (new) A method according to claim 52, wherein a transgenic plant is provided.

58. (new) A method according to claim 52, wherein a transgenic plant seed is provided.

59. (new) A method according to claim 52 further comprising:  
applying the hypersensitive response elicitor polypeptide or protein to the plant to enhance growth of the plant.